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Chairman: Mr. Al Bayati ..... (Iraq)

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06-62645 (E)

The meeting was called to order at 10.30 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)
(A/C.3/61/L.54/Rev.1)

Draft resolution A/C.3/61/L.54/Rev.1: New international humanitarian order

1. **The Chairman** said that the draft resolution contained no programme budget implications.

2. **Ms. Al-Zibdeh** (Jordan), introducing the draft resolution on behalf of the original sponsors and the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Kenya, Nigeria and the Philippines, said that the phrase "natural and man-made disasters" in the second preambular paragraph should be replaced by "humanitarian emergencies". In paragraph 1, the word "solve" should be replaced by "address" and the phrase "problems and for the identification of those problems that can be solved before they create victims" should be replaced by "emergencies".

3. *Draft resolution A/C.3/61/L.54/Rev.1, as orally revised, was adopted.*

Agenda item 61: Advancement of women (*continued*)

(a) Advancement of women (*continued*)
(A/C.3/61/L.10/Rev.1)

Draft resolution A/C.3/61/L.10/Rev.1: Intensification of efforts to eliminate all forms of violence against women

4. **Mr. Khane** (Secretary of the Committee) said that the resolution contained no programme budget implications.

5. **Mr. Fieschi** (France), speaking also on behalf of the Netherlands, said that Mozambique, Slovenia and Sweden should have been included as original sponsors. He drew attention to the following revisions to the text: in paragraph 7 (c), a comma should be inserted after "customs"; in paragraph 7 (p), "foreign occupation and ethnic" should be replaced by "foreign occupation, ethnic"; and in paragraphs 11 and 18, "factors" should be replaced by "information". Concerning the French version of the text, the Permanent Mission of France would send a note to the Secretariat containing the corrections to be made.

6. Australia, Azerbaijan, Botswana, Bulgaria, Cambodia, Canada, Kazakhstan, Kenya, Namibia, Montenegro, the Philippines, Poland, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Tanzania and Uruguay should be added to the list of sponsors.

7. The resolution served as a natural extension of the resolutions adopted by consensus at the fifty-eighth and sixtieth sessions of the General Assembly, where the Secretary-General had been requested to present the results of an in-depth study on violence against women at the sixty-first session. The draft resolution took into account many of the recommendations contained in the study and helped to draw up a plan of action aimed at eliminating all violence against women. It sought to make up for the shortcomings identified by the study, particularly in the collection and processing of information. It also identified areas in which States should play a strong role and proposed ways to improve States' initiatives in those areas.

8. The draft resolution was the result of a long process of negotiation characterized by flexibility, goodwill and a desire to reach consensus. In that spirit, the sponsors had accepted two final revisions, both concerning paragraph 7 of the text. First, paragraph 7 (j) should be deleted, and the text contained in that paragraph, which would constitute new paragraph 4 bis, should be revised to read: "Stresses the importance that States strongly condemn violence against women and refraining from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women"; second, in the tenth line of paragraph 7 (p), the words "the relevant General Assembly resolutions and" should be inserted between "bearing in mind" and "Security Council".

9. **Mr. Khane** (Secretary of the Committee) said that Algeria, Burundi, Cameroon, Côte d'Ivoire, Ethiopia, Ghana, Jamaica, Lesotho, Liberia, Malawi, Timor-Leste, South Africa, Venezuela, Zambia and Zimbabwe had joined the sponsors.

10. *Draft resolution A/C.3/61/L.10/Rev.1, as orally revised, was adopted.*

11. **Mr. Takase** (Japan) said that Japan had been making great efforts towards eliminating violence against women. It was important to address the issue in the Committee in a comprehensive manner and Japan

had therefore joined the consensus in adopting the resolution.

12. Under Japanese legislation, the legal authority to prosecute and punish perpetrators was exercised with due consideration for the complex nature of the offender, as well as the gravity of the offence and circumstances under which it was committed. Prosecutors did not necessarily prosecute all perpetrators, as such action might be deemed unnecessary owing to the rehabilitation of the perpetrators concerned or other circumstances. In his delegation's understanding Japanese legislation in no way conflicted with paragraph 7 (i) of the draft resolution.

13. **Mr. Miller** (United States of America) said that the United States was deeply committed to multilateral and individual government action in combating violence against women, which was a basic affront to human dignity. Violence against women must be prevented wherever possible and, where not, the victims must be helped and the perpetrators held accountable.

14. Referring to the second preambular paragraph, he said that the Beijing Declaration and Platform for Action expressed important political goals which the United States endorsed, on the understanding that those documents did not create international legal rights or legally binding obligations on States and that the phrase "reproductive health" in the resolution did not create any rights and could not be interpreted to constitute support, endorsement or promotion of abortion. Furthermore, paragraph 2 of the resolution should be interpreted as an expression of appreciation of the contributions of the Committee on the Elimination of Discrimination against Women to the follow-up of the Beijing Declaration and Platform for Action rather than support or endorsement of all its recommendations.

15. **The Chairman** suggested that the Committee should take note of to the following documents: report of the Secretary-General on the improvement of the status of women in the United Nations system (A/61/318); report of the Committee on the Elimination of Discrimination against Women on the work of its thirty-fourth, thirty-fifth and thirty-sixth sessions (A/61/38); and note by the Secretary-General transmitting the report on the activities of the United Nations Development Fund for Women (A/61/292).

16. *It was so decided.*

Agenda item 63: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

Draft resolution A/C.3/61/L.16/Rev.1: Rights of the Child

17. **The Chairman** said that the draft resolution contained no programme budget implications.

18. **Ms. Pi** (Uruguay) introduced the draft resolution on behalf of the sponsors listed in the document and Algeria, Angola, Armenia, Australia, Azerbaijan, Belgium, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Canada, Cape Verde, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Eritrea, Ethiopia, Fiji, France, the Gambia, Germany, Ghana, Greece, Iceland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, the Netherlands, New Zealand, Nigeria, Norway, the Philippines, the Russian Federation, Rwanda, San Marino, Senegal, Serbia, South Africa, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Turkmenistan, the United Republic of Tanzania and Uzbekistan. She said that the consultations on the text had increased its potential for promoting and protecting the rights of all children by recognizing in particular children living in poverty, who were deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter and education, and therefore protection.

19. The draft also called on the international community to pay particular attention to the protection of and the rights of children living in poverty at the commemorative plenary meeting to be held in 2007 devoted to the follow-up to the outcome of the twenty-seventh special session of the General Assembly. It also took fully into account the recommendations put forward in the report of the independent expert for the United Nations study on violence against children (A/61/299), and encouraged Member States and requested United Nations entities, regional organizations and civil society, including non-governmental organizations, to widely disseminate and follow up on the study.

20. **Mr. Miller** (United States of America) said that, as the protection of the rights of children was fully integrated into United States foreign policy, his Government supported many of the principles underlying the draft resolution. For example, it had ratified the two optional protocols to the Convention on the Rights of the Child. The Convention contained many positive principles and standards, which his Government respected in its overall conduct to a far greater extent than many States parties.

21. The Convention raised a number of concerns, however. In particular, it conflicted with the authority of parents and the provisions of state and local law in the United States of America. Many of the activities covered by the Convention in areas such as education, health and criminal justice were primarily the responsibility of United States state and local governments. In addition, the Convention in some cases created tension between the rights of children and parental authority; examples were the degree to which children should participate in decisions affecting them or had the right to choose actions independently of parental control. United States laws generally placed greater emphasis on the duties of parents to protect and care for children and apportioned rights between adults and children in a manner different from the Convention. His delegation did not accept the draft resolution's overemphasis on the Convention, or its assertion that the Convention "must constitute the standard in the promotion and protection of the rights of the child". While the Convention might touch upon most issues confronting children, other international or national instruments, including the relevant International Labour Organization conventions and the Hague Convention on the Civil Aspects of International Child Abduction, addressed particular problems far more comprehensively and effectively.

22. His Government did not support the broad reference to the International Criminal Court in the draft resolution. It also regretted the weakness of the language on the rights of children in international child custody cases to visitation with and access to both parents as well as on international parental or familial child abduction. Lastly, a shorter text was needed which addressed specific issues of critical importance to children and focused on matters not addressed in other resolutions. His delegation would therefore vote against the draft resolution.

23. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.16/Rev.1.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan,

Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

24. *Draft resolution A/C.3/61/L.16/Rev.1 was adopted by 176 votes to 1.*

25. **Mr. Takase** (Japan) said that his delegation fully shared the view expressed in the draft resolution on the importance of the promotion and protection of the rights of the child. With respect to paragraph 16 (c) on ending impunity for perpetrators of crimes against children, he referred to his earlier remarks in connection with agenda item 61. In his delegation's understanding Japanese legislation in no way conflicted with paragraph 16 (c) of the draft resolution.

26. **Mr. Saeed** (Sudan) said that the Sudan had been among the first countries to ratify the Convention on the Rights of the Child. His Government had undertaken a number of measures aimed at promoting the rights of children. His delegation had actively participated in the informal consultations on the draft resolution, which had sought to ensure that the resolution would focus on the rights of the child without linking them to the work of other United Nations bodies with their own agenda in that area. He drew attention to paragraph 39, which referred to the steps undertaken regarding Security Council resolution 1612 (2005). As human rights fell within the framework of social issues, the body responsible for examining it was the General Assembly and its subsidiary organs. However, there had been efforts by the Security Council to encroach on areas which fell within the scope of the General Assembly rather than concentrate on conflict resolution. As the issue of children in armed conflict should not be exploited for political ends, his Government had concerns over the way in which Security Council resolution 1612 (2005) was being implemented.

27. **Ms. Halabi** (Syrian Arab Republic) said that her Government was working in the field and through its legislative framework to promote and protect the rights of children. It had ratified the Convention on the Rights of the Child and its two optional protocols. Her delegation had no problems with the content of the draft resolution. It reserved the right, however, to interpret paragraphs 8, 10, 11 and 28 in a way that was in conformity with Syrian national legislation.

28. **Mr. Abdul Azeez** (Sri Lanka) said that his Government was a party to all the core human rights instruments. In accordance with its national laws and the relevant United Nations instruments, his Government continued to promote the rights of children and their welfare. Although his delegation did not agree with the wording in paragraph 41, it would not object to it in the light of the overall concerns which the draft resolution sought to address. Voting in favour of the draft resolution should not be interpreted to mean that his Government endorsed all the views and recommendations expressed in the report. The report sought to expand the original mandate of the Office of the Special Representative and confounded two well-recognized categories of abuse against children in situations in armed conflict: the recruitment and use of children in armed conflict; and other violations committed against children in armed conflict. In addition, paragraph 42 of the report, on the topic of advocacy, implied the introduction of conditionalities, which developing countries rejected outright.

29. **Ms. Pohjankukka** (Finland), speaking on behalf of the European Union, said that as matters relating to the rights of the child were of enormous importance to her delegation, the draft resolution was of great significance. Nevertheless, the European Union regretted that it had not been possible to have a clear call in the draft for a prohibition of corporal punishment in schools and in places of detention. It abhorred the use of corporal punishment in schools, which was outlawed in all European Union member States, and invited all States which had not yet done so to follow suit. It welcomed the appeals for the prohibition of such punishment made in the report of the independent expert for the United Nations study on violence against children. The language contained in paragraph 16 (e) of the draft resolution was an indication of the unacceptability of corporal punishment in schools, which was invariably degrading. The European Union would continue to work towards the abolition of corporal punishment in schools and in places of detention.

30. **Ms. Pi** (Uruguay), speaking on behalf of the Group of Latin American and Caribbean States, said that the draft resolution was a broad and comprehensive resolution which addressed all the

elements relating to the promotion and protection of the rights of the child. The concerns of many delegations had been taken into account in the drafting of the resolution. The draft contained a special section on poverty, as more than a billion boys and girls were being deprived of basic needs. It had a strengthened section on violence against children in the light of the study of the Independent Expert. The study confirmed that violence against children existed in all countries in the world, without exception. Consensus was therefore needed to seek to eliminate all forms of violence, psychological, social, sexual and others. The section on violence had been changed to allow for general support for the study. No form of violence was justified and all forms of violence could be prevented. The broad support for the draft resolution suggested that the right approach was being taken. She hoped that the spirit of consensus underlying the adoption of the draft would be maintained in the future.

31. **Mr. Cheok** (Singapore) said that flexibility had been shown and concerns taken into account in the drafting of the resolution. The statement by the European Union to the effect that paragraph 17 (e) referred to corporal punishment, was inaccurate and at odds with the intent behind the negotiations on the draft. It was a return to grandstanding at the expense of cooperation.

32. Singapore did not agree that the phrase "all forms of physical and mental violence and abuse" and "any form of cruel or degrading punishment" referred to corporal punishment. His delegation had accepted paragraph 17 (e) based on that understanding. It rejected attempts to equate corporal punishment with violence against children. The regulated use of corporal punishment was an acceptable mode of discipline. It deterred acts of serious misbehaviour, registered the consequences of certain actions and encouraged respect for the rights of other children. It was used only as a last resort in isolated circumstances, when other measures had failed. It was meted out under clearly defined guidelines.

33. Each society must judge what was best for its own people, according to its circumstances. Each Government therefore had the right to decide on the domestic policies which best suited its needs, including the issue of discipline. It was worrisome that some States seemed to consider that their way of thinking was the only acceptable one and that those who did not follow them should be disparaged and hectored. His delegation respected the right of others to decide for themselves and did not seek to impose its views. It asked for the same basic respect to be accorded to it. The result of the announced plans of the European Union would be an unravelling of the cooperation witnessed at the current session and a return to contentiousness.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/61/L.53/Rev.1)

Draft resolution A/C.3/61/L.53/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

34. **Ms. Graham** (South Africa), speaking on behalf of the Group of 77 and China, said that one of the most important elements of the resolution was the review conference in 2009 on the implementation of the Durban Declaration and Programme of Action, which would not only bring the World Conference against Racism in line with other major United Nations conferences, but would serve to focus on present-day realities of racism in order to effectively combat it. The adoption of the resolution would send a clear message that the political will could be mustered to advance a global anti-racism, anti-discrimination agenda.

35. The other element of paramount importance was the continued work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action in preparing complementary international standards.

36. She read out the following revisions: preambular paragraph 9 should be deleted. Paragraph 33 should be replaced by: "*Decides* to convene in 2009, a review conference on the implementation of the Durban Declaration and Programme of Action to be conducted within the framework of the General Assembly and to this end, requests the Human Rights Council to undertake preparations for this event, making use of the three existing and ongoing follow-up mechanisms, and formulate a concrete plan and provide updates and reports on this issue on an annual basis starting in 2007." Lastly, paragraph 36 should be replaced by: "*Welcomes* the conclusions and recommendations of

the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action during its fourth session and in particular, welcomes the identification and/or the consideration of substantive and procedural gaps, as well as the request for the nomination of five highly qualified experts to further study the content and scope of these gaps, including but not limited to the areas identified in the conclusions of the Chair of the high-level seminar, and in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mandate-holders, produce a base document that contains concrete recommendations on the means or avenues to bridge these gaps, including but not limited to the drafting of a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments; and for the committee to conduct further study on possible measures to strengthen the implementation of the Convention on the Elimination of Racial Discrimination and its proposals regarding the assessments and evaluation of the implementation of existing international human rights instruments by States parties, and to this end, encourages the Intergovernmental Working Group to continue its work related to the preparation of complementary international standards in accordance with the Durban Declaration and Programme of Action;".

37. The Group of 77 and China, having undertaken informal consultations with all interested delegations and having negotiated in good faith, hoped that the resolution would be adopted by consensus.

38. **Mr. Khane** (Secretary of the Committee) said that Kazakhstan had joined the list of sponsors.

39. **Mr. Miller** (United States of America), speaking in explanation of vote before the voting, said that while he supported the stated objectives of the 2001 Durban Conference, its outcomes had been deeply flawed and divisive. Because the resolution endorsed those flawed outcomes, the United States considered it to be seriously problematic.

40. The follow-up activities to the Durban Conference had duplicated the work done by the Third Committee and the Human Rights Committee, as well as the work done related to the International Labour Organization conventions that addressed workers' rights.

41. Furthermore, the Human Rights Council should not act as a preparatory committee for the Durban review conference, but instead should fulfil its mandate by addressing emerging human rights situations in the world. In addition, the Office of the United Nations High Commissioner for Human Rights should devote more substantial programming and cooperative assistance throughout the world to combating the scourge of racism.

42. Countries must have a legal framework in place to protect individuals from discrimination and also to preserve their rights and fundamental freedoms. Currently, States should focus on implementation of existing commitments rather than on follow-up of a flawed instrument or the establishment of new instruments. The United States would therefore be voting against the resolution.

43. **Mr. Keisalo** (Finland) speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Iceland, Liechtenstein, Moldova and Ukraine, said that because combating racism and discrimination was a major priority for the European Union, it had repeatedly stressed that the international follow-up to the Durban Declaration and Programme of Action should be agreed by consensus.

44. In 2005, the European Union had been pleased to join the consensus on the corresponding resolution, despite concerns about a review plan for the Durban Declaration and Programme of Action and about complementary standards. At the current session, the main sponsors had made further proposals concerning both issues; despite its concerns the European Union had actively engaged in negotiations to reach an agreement.

45. It had accepted the main sponsor's proposal to conduct a review in 2009 on the implementation of the Durban Declaration and Programme of Action with the understanding that, according to paragraph 33 and views exchanged during negotiations, the review would be conducted at a high-level meeting in the framework of the United Nations General Assembly and that it would focus on the implementation of what had

already been agreed and not involve the reopening of the Durban Declaration and Programme of Action. Further, it understood that any preparatory work conducted by the Human Rights Council would not entail the creation of any new mechanisms but rather that the Council would use its existing follow-up mechanisms to the Durban Declaration and Programme of Action, namely the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action.

46. **Mr. Jean** (Canada) said that the Government of Canada was taking strong steps to eliminate racism by complementing its strong legal framework with numerous initiatives.

47. His delegation supported many general elements of the resolution; however, it continued to have difficulties with the references to the comprehensive implementation of the Durban Conference. Canada considered that, under international law, there was no right to a remedy for historical acts that were not illegal at the time they occurred. As the resolution contained language that ran contrary to that position, Canada would abstain from voting.

48. **Ms. Eilon Shahar** (Israel) said that the Israeli Constitution guaranteed equality of social and political rights, irrespective of religion, race or sex, and that her country was also a State party to the International Convention on the Elimination of All Forms of Racial Discrimination. However, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had failed to promote those ideals, and the draft resolution continued the legacy of such failure. Certain delegations and non-governmental organizations, rather than promoting tolerance and respect, had hijacked the Conference to single out and demonize Israel with slanderous and hateful accusations, thus denigrating the noble objective of shaping positive and innovative solutions to contemporary problems of racism, racial discrimination, xenophobia and related intolerance. Israel would therefore vote against the draft resolution.

49. *At the request of the delegations of Israel and the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.53/Rev.1, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Marshall Islands.

50. *Draft resolution A/C.3/61/L.53/Rev.1 was adopted by 174 votes to 2, with 3 abstentions.*

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.13/Rev.1, L.30/Rev.1 and L.33-L.35)

Draft resolution A/C.3/61/L.13/Rev.1: The human rights situation arising from the recent Israeli military operations in Lebanon

51. **The Chairman** said that the draft resolution had no programme budget implications.

52. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Non-Aligned Movement and introducing the draft resolution, said that the current version contained a number of revisions which his delegation had made in order to incorporate the concerns of several delegations regarding the original text. Since some of the elements of draft resolution A/C.3/61/L.12 on the situation of the Lebanese children had also been incorporated in the revised version, the Non-Aligned Movement had decided to withdraw draft resolution A/C.3/61/L.12 and submit draft resolution A/C.3/61/L.13/Rev.1 in its place.

53. The draft resolution was highly relevant to the work of the Third Committee, and the Non-Aligned Movement hoped that it would have the support of all delegations.

54. *Draft resolution A/C.3/61/L.12 was withdrawn.*

55. **Mr. Al-Thani** (Qatar), speaking on behalf of the Group of Arab States as main sponsor, said that the revised draft resolution aimed to satisfy the concerns of various groups and sought a middle ground by combining elements of two previous drafts. He urged those who had not yet sponsored the draft resolution to do so, and appealed to all delegations to avoid politicization by considering the humane dimension of the draft resolution.

56. **The Chairman** said that the Organization of the Islamic Conference should have been included as an original sponsor.

57. **Ms. Eilon Shahar** (Israel), speaking in explanation of vote before the voting, said that her country was deeply concerned about the killing of civilians, especially women and children, and that its military forces went to great lengths to avert civilian casualties. However, that challenge was particularly compounded where terrorists such as Hezbollah embedded themselves in civilian areas, hiding behind innocents while carrying out their terrorist attacks and storing munitions in homes and schools.

58. The draft resolution did nothing to address the recent conflict or issues such as the rearming of Hezbollah and its continuous hijacking of Lebanon, nor did it point the blame where it squarely lay: on the Syrian Arab Republic and Iran for employing Hezbollah, their proxy in Lebanon, to conduct an all-out war against Israel. It failed to reproach the Lebanese Government for failing to fulfil its responsibilities by exercising full control over its territory and preventing the emergence of a State within a State. Rather than addressing significant issues that had emerged in the aftermath of the conflict, the draft resolution was a further cynical attempt to demonize Israel, and its ignorance and stark omission of certain basic facts only reinforced that one-sidedness. It was deeply troubling that the ever-widening gap between events on the ground and reactions at United Nations Headquarters called into question the relevance of the work of the United Nations and the effectiveness of its response.

59. The interference of external extremist forces in Lebanon and the assassination, on 21 November 2006, of Lebanese Minister Pierre Gemayel underscored the urgent need for Lebanon to disarm Hezbollah, prevent further terrorist activity in southern Lebanon and exercise its sovereignty over the whole of its territory. The draft resolution ignored the fact that, had Lebanon fully implemented Security Council resolution 1559, the conflict would never have occurred. It also omitted to refer to the immediate events that had triggered the conflict, namely Hezbollah's crossing of the Blue Line, its callous kidnapping and killing of Israeli soldiers in July 2006 and its firing of more than 4,000 Katyusha rockets on Israel. No mention was made of the scores of innocent Israeli citizens killed, injured and traumatized by those events.

60. Her delegation would vote against the draft resolution, not because it condoned the killing of civilians — while Israel deeply regretted the loss of human life in the conflict, the same could not be said of Hezbollah, which had been given implicit permission by the Lebanese Government to conduct its operations — but because it blatantly distorted history and belittled reality. It was frightening that Lebanon

could be so irresponsible as to allow a terrorist group to attack citizens in a neighbouring country and that a contemporary society could turn a blind eye to the arming of extremist groups in its midst. Yet, the draft resolution made no mention of the fact that Hezbollah continued to rearm and amass weapons with the help of the Syrian Arab Republic and Iran in violation of Security Council resolution 1701 (2006). It was vital to enforce the arms embargo in Lebanon in order to prevent the emergence of a State within a State. Adoption of the draft resolution as it stood would send a message to Hezbollah that it could continue its operations, unhindered by the international community. Her delegation therefore called on all States to vote against the draft resolution, which rewarded inaction and neglect and should not be acceptable in the Third Committee.

61. **Mr. Nikiforov** (Russian Federation) said that his delegation would vote in favour of the draft resolution. However, it was important to focus efforts on achieving a comprehensive, fair and lasting peace in the region on the basis of relevant international agreements, particularly Security Council resolution 1701 (2006), which should be implemented fully. All possible political and diplomatic efforts must be undertaken in order to normalize the post-conflict situation in Lebanon and to ensure successful reconstruction and economic recovery and the unhindered access of the Lebanese people to humanitarian assistance. The Russian Federation supported the full sovereignty and political independence of Lebanon and would continue to work with all parties to ensure a lasting peace between Israel and Lebanon and, ultimately, to achieve comprehensive peace in the Middle East.

62. *At the request of the delegation of Israel, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Angola, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

63. *Draft resolution A/C.3/61/L.13/Rev.1 was adopted by 109 votes to 7, with 59 abstentions.*

64. **Mr. Miller** (United States of America) said that his country was deeply concerned about the suffering of Israeli and Lebanese children and the extensive damage to civilian infrastructure caused by the conflict initiated by Hezbollah. It remained committed to the people of Lebanon, and had joined the international

community in providing Lebanon with humanitarian relief, reconstruction aid and security assistance. However, the draft resolution was unbalanced, inappropriate and counterproductive to such efforts.

65. His delegation was dismayed at, and called for an end to, the continued use of hostilities in Lebanon as a divisive political tool in United Nations arenas, a trend that caused further polarization in an already difficult climate both in the Middle East and within United Nations institutions.

66. The draft resolution condemned Israel for protecting its population from external attack, which was the right of all States under international law. Hezbollah had triggered the hostilities with its unprovoked attack inside Israel. In defending itself, Israel must comply with its obligations under international humanitarian law, which was the applicable law, whereas international human rights law was not. Hezbollah had adopted a specific policy that endangered innocent civilians in both countries, deliberately concealing itself and its weapons within civilian areas in Lebanon in order to launch its missile attacks against Israel. In that regard, he recalled that the Office of the United Nations High Commissioner for Human Rights had recognized that tactic as a factor in any legal assessment of Israel's actions. Failure to address the role of Hezbollah in the conflict was a grievous error. His delegation could not support a resolution that was so clearly one-sided and ignored basic facts concerning the conflict. Such resolutions did not serve the interests of the people of Lebanon, nor did they reflect the principles on which the United Nations was founded.

67. **Mr. Bowman** (Canada) said that, while his delegation was concerned about the far-reaching impact of the conflict on civilian populations in both Lebanon and Israel, it was also concerned that the draft resolution did not adequately recognize civilian suffering in both countries. Owing to its one-sided nature, therefore, Canada had voted against it.

68. **Ms. Schroderus-Fox** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the Stabilization and Association Process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that her delegation had abstained from voting since the draft resolution failed to address fully the circumstances that had led to the outbreak of hostilities.

69. The European Union remained committed to the protection and promotion of human rights, and maintained that both parties to the conflict had an equal responsibility to do everything in their power to protect civilian populations and refrain from actions in violation of international humanitarian law. It deplored all loss of civilian life during the conflict, both as a result of the Hezbollah rocket attacks on Israel and Israeli military operations in Lebanon. In that regard, it reiterated its call for the immediate release of the two Israeli soldiers abducted by Hezbollah in July 2006.

70. In the light of the brutal assassination of Lebanese Minister Pierre Gemayel, the European Union called on all countries in the region to refrain from any violation of the sovereignty and territorial integrity of Lebanon and any interference in Lebanon's internal affairs, in accordance with United Nations Security Council resolutions, and encouraged all Lebanese parties to reach consensus and resume national dialogue.

71. In order to achieve long-term and sustainable results, it was vital to address the political aspects and root causes of the recent crisis and to ensure that violence did not reoccur. In that regard, the European Union was committed to supporting the full implementation of Security Council resolution 1701 (2006), and called upon all parties in the region to comply with that resolution.

72. The European Union would continue to assist the Lebanese Government in meeting its humanitarian and environmental needs and in the process of stabilization and rehabilitation. It remained deeply concerned about the well-being and safety of all Lebanese civilians, in particular children, and underscored the need to provide firm support to the Lebanese Government in its reconstruction efforts.

73. **Mr. Ainchil** (Argentina) said that his country deplored both the grave violations of international humanitarian law committed by Hezbollah and the excessive and disproportionate use of force by Israel, and the resulting damage and deaths that those actions had caused among the civilian population. The Argentine Government would continue to undertake all possible diplomatic efforts to contribute to a lasting peace in the Middle East.

74. The well-being of children throughout the world was one of Argentina's ongoing concerns and, in that regard, Argentina shared the dismay expressed regarding the killing of children and other civilians in the recent conflict. Full respect for human rights and international humanitarian law on the part of all actors was a prerequisite for lasting peace in the region.

75. **Ms. Nassau** (Australia) said that her delegation had voted against the draft resolution on account of the one-sided and unbalanced nature of the text. Australia encouraged the Third Committee to act responsibly and in a balanced and even-handed manner in order to ensure that the rights of all persons were addressed appropriately. The singling out of one side only for blame in a conflict was misleading and unhelpful, and would do nothing to advance the cause of peace. Australia attached great importance to the promotion and protection of human rights worldwide, and remained deeply concerned about the impact of the recent conflict on civilians on both sides.

76. **Mr. Berruga** (Mexico) said that his delegation reiterated its solidarity with the people of Lebanon and, in particular, with the families of the victims of the military attacks carried out in July 2006. The Mexican Government strongly condemned the various attacks that had caused extensive damage and loss of human life, particularly the many deaths of children, and deplored any violation of human rights and humanitarian law. In that regard, it reiterated its support for Security Council resolution 1701 (2006).

77. Mexico looked forward to the report of the High-Level Commission of Inquiry established by the Human Rights Council. Appropriate measures should be taken on the basis of that report.

78. Mexico had abstained from voting, since the draft resolution failed to call for actions additional to those decided on by the Security Council and the Human Rights Council which would improve conditions persisting on the ground as a result of the conflict.

79. His delegation wished to register its concern regarding the fact that the Russian Federation had been permitted to take the floor after the Chairman had announced the beginning of voting, in violation of rule 88 of the rules of procedure.

80. **Mr. Maia** (Brazil) said that his delegation had voted in favour of the draft resolution, in view of the gravity of the violations of international human rights and humanitarian law that the text denounced. However, it was regrettable that the draft resolution did not denounce the equally grave human rights violations perpetrated in Israel, including deaths among Israeli children and other civilians, as the result of attacks by non-State actors operating from Lebanese territory.

81. **Ms. Pi** (Uruguay) said that her delegation had voted in favour of the draft resolution, which contained a call for the international community to provide financial assistance for the recovery and reconstruction of Lebanon. However, the draft resolution did not sufficiently address action to ensure that Lebanese children could fully enjoy human rights. Her delegation thus understood that the rights of Lebanese children must be considered to be covered by the draft resolution on the rights of the child.

82. Her delegation regretted that negotiations had not been possible on the text since no open and informal consultations had been held; she hoped that had been an exception rather than the rule by which the Committee would address such matters in future sessions. In the light of the armed attacks on Lebanon, the international community must provide the humanitarian assistance needed to ensure that the rights of the Lebanese civilian population were protected. As northern Israel had also been affected by the humanitarian crisis, for the conflict to be resolved, Israel's right to have secure borders must be ensured. Her delegation thus wished to join in the efforts to achieve lasting peace in the region, and encouraged the parties involved to show the flexibility required for achieving a mutually acceptable agreement.

83. **Mr. Ramadan** (Lebanon) said that the Israeli war machine had inflicted tremendous suffering on Lebanon, carpet-bombing entire neighbourhoods and targeting schools, and it appeared that no one knew who had given the order for cluster bombs to be fired. Lebanon could not match Israel's arsenal, but it had the power of legitimacy, a just cause and the support of international community and world public opinion. Disseminating information and awareness of Israeli aggression would put pressure on Israel to refrain from repeating such actions. It was well-known that Lebanon condemned the killing of children and civilians, regardless of whether they were Israeli, Palestinian or Lebanese. However, it was sad and disturbing that the Israeli delegation had not expressed similar concerns.

84. Hezbollah had not existed before Israel's first invasion of Lebanon, but had emerged later as a popular movement to resist occupation. Lebanon respected its commitments under international law; in less than two years, it had implemented a great part of Security Council resolution 1559 (2004).

85. Lebanon had long condemned and been a victim of terrorism, most recently through the assassination of its Minister of Industry, and it needed the support of the international community more than ever. He respected the position of the delegations that had voted against the draft resolution, but regretted that a number of States had abstained although no effort had been spared to accommodate their concerns.

86. **Ms. Halabi** (Syria) said that his delegation had voted in favour of the draft resolution as an expression of the need for the international community to send a clear signal to human rights violators and to clarify the violations committed by Israel during its barbaric acts of aggression against Lebanon. Those who continually perpetrated crimes and resorted to false pretexts only revealed the use of an aggressive policy that aimed to mislead the international community in human rights and other fields. The recent General Assembly vote on the draft resolution on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (A/ES-10/L.19) had been a clear message from the international community to that occupying Power. The claims made by the representative of Israel in that meeting had been clearly opposed to the international consensus on those criminal acts.

Draft resolution A/C.3/61/L.30/Rev.1: Inadmissibility of human rights violations through the practice of secret detention and unlawful transfers

87. **Mr. Taranda** (Belarus) noted that as differences on the text remained, Belarus would withdraw the resolution for further consultations during the sixty-second session of the General Assembly.

88. *Draft resolution A/C.3/61/L.30/Rev.1 was withdrawn.*

Draft resolution A/C.3/61/L.33: Enhancement of international cooperation in the field of human rights

89. **The Chairman** said that the draft resolution had no programme budget implications.

90. **Mr. Amorós Núñez** (Cuba) read out the following revisions to the text: a new paragraph 2 *bis* should be added to read: "*Recognizes* further that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human rights," and paragraph 10 be amended to read: "*Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery;".

91. *Draft resolution A/C.3/61/L.33, as orally revised, was adopted.*

Draft resolution A/C.3/L.35: Human rights and unilateral coercive measures

92. **The Chairman** said that the draft resolution had no programme budget implications.

93. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that China had joined the sponsors. The resolution called on States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations which created obstacles to trade relations among States and impeded the full realization of all human rights. He hoped that all Member States would vote in favour of the draft resolution.

94. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/61/L.35.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq,

Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: None.

95. *Draft resolution A/C.3/61/L.35 was adopted by 122 votes to 53.*

The meeting rose at 1 p.m.